

**REMARKS**

The Office Action dated February 1, 2005 has been carefully considered. Claims 1, 2, 4 and 6-20 are in this application.

Claims 1, 4, 6-15 and 18-20 were rejected under 35 U.S.C. § 103 as obvious in view of U.S. Patent No. 5,440,961 to Lucas, Jr. et al. Applicants submit that the teachings of this reference do not teach or suggest the invention defined by the present claims.

Lucas, Jr. et al. disclose a film cutting apparatus including a cutting device and a cutting guide. The cutting device includes a star cutting wheel and a roller assembly for rotating the star cutting wheel. Rotation of the roller drives the star cutting wheel rotatively such that a cutting wheel edge velocity during travel of the cutting device allows the star cutting wheel to contact the film in advance of the roller assembly. Guide wheels are received in a channel for guiding the cutting device during travel thereof. A top surface of the channel has a high friction surface comprising a urethane tape to adhere the film to the surface during cutting.

In contrast to the invention defined by the present claims, Lucas, Jr. et al. do not teach or suggest that the rails are formed of a material to provide attraction to plastic wrap received over the rail for attracting the plastic wrap and clinging the plastic wrap to the rail before and after cutting of the plastic wrap. To the contrary, Lucas, Jr. et al. teach the use of non-slip surface to provide a sufficiently high friction surface to retain and tension the film (col. 2, lines 8-9 and col. 3, lines 1-8 and 15-16). As described on page 3, lines 4-12 of the present application, the present invention has the advantage that the material of the rail helps hold the plastic wrap flat with cling properties before and after cutting of the plastic wrap and does not require pressure to be exerted on the film in order to determine a differential frictional coefficient to provide attraction with a high friction surface. Nowhere is it disclosed or suggested in Lucas, Jr. et al. that the rails are formed of a material to provide cling properties to the plastic wrap. Rather, Lucas, Jr. et al. provide a non-slip surface, preferably a urethane tape, to adhere the film material to the guide.

In addition, Lucas, Jr. et al. teach the use of rollers with recesses along a circumferential edge thereof to receive an O-ring which provide a resilient engagement with the film material during cutting. Accordingly, the O-rings provide friction during cutting for adherence of the film to the high friction surface. In contrast to Lucas, Jr. et al., the blade housing of the present invention can sever a film without using rollers for providing pressure on the film.

Moreover, there is no teaching or suggestion in Lucas, Jr. et al. of the use of a rail formed of a material which is adapted to provide clinging of plastic wrap received over the rail and the advantages thereof. Rather, Lucas, Jr. et al. teach away from the present invention by teaching the film may be aluminum foil which cannot be held by a cling property to a rail (see col. 3, lines 20-24). Further, as noted by the Examiner, Lucas, Jr. et al. do not teach or suggest that a rail is selected from plastic, rubber, vinyl, acrylic, polyvinyl chloride comprising at least 10% plasticizer, silicon elastimer and combinations thereof, as defined by the present claims. Applicants submit that in the present invention the materials of the rail are selected to provide a cling property to plastic wrap received over the rail. There is no teaching, suggestion or motivation in Lucas, Jr. et al. to select materials for forming a rail for clinging the plastic wrap to the rail because Lucas, Jr. et al. teach the use of the application of a friction based tape or coating to the guide and it is only in hindsight that the Examiner can suggest that it would be obvious to select the materials of the present claims.

Furthermore, Lucas, Jr. et al. disclose rotation of a star cutting wheel for severing of a film material. However, Lucas, Jr. et al. do not teach or suggest a blade for cutting plastic wrap, as defined by the present claims. Instead, Lucas, Jr. et al. teach away from the present invention by teaching that prior art devices using a cutting blade are ineffective to handle or accommodate variations in film material teachings. (See col. 1, lines 25-28.) As described in the enclosed Declaration of Ian Kaiser, the use of a rotary star cutting wheel has the disadvantage that the cutting wheel does not provide a cut of the plastic film but instead provides perforation of the plastic film. In addition, the rotary star cutting wheel can not be used with a surface providing a cling property to a plastic film received over the surface. Rather, the rotary star cutting wheel requires the material being cut to be in a fixed state such as held down by the use of a non-slip surface of a urethane tape. The present invention has the advantage of not using mechanical interaction to achieve effective cutting and is less expensive to manufacture than the Lucas, Jr. et al. cutting device.

Further, with regard to claim 4, Lucas, Jr. et al. do not teach or suggest the material of the rail has a hardness in the Shore A range.

With regard to claim 7, there is no teaching or suggestion in Lucas, Jr. et al. of a rail base formed of a coextruded first material which provides cling properties to plastic wrap and a second material of rigid PVC.

With regard to claim 12, Lucas, Jr. et al. do not teach or suggest that the blade is angled at a 30° angle from the bottom edge. Rather, Lucas, Jr. et al. disclose a rotary blade cutter having a housing of a circular shape for enclosing the star shaped cutter. As described on page 5, line 34 through page 6, line 3, the blade angle provides optimal performance of cutting.

Claim 2 was rejected under 35 U.S.C. § 103(a) as obvious in view of Lucas, Jr. et al. in combination with U.S. Patent No. 4,960,022 to Chuang.

Chuang discloses a plastic film cutter using rollers for engaging and maintaining the film in a tensioned state. The cutter has a concave surface.

In contrast to the invention defined by the present claims, Chuang does not teach or suggest rails being formed of a material providing an attraction to film received over the rails to cling the plastic wrap before and after cutting of the plastic wrap. Rather, Chuang uses rollers for engaging and maintaining the film in a tensioned state. Thus, Chuang does not cure the deficiencies of Lucas, Jr. et al., as noted above. Accordingly, the invention defined by the present claim 2 is not obvious in view of Lucas, Jr. et al. in combination with Chuang.

Claims 16 and 17 was rejected under 35 U.S.C. § 103(a) as obvious in view of Lucas, Jr. et al. in combination with U.S. Patent No. 5,398,576 to Chiu.

Chiu discloses a cutting device for a roll of film including a cutter placed on a positioning unit. A guide unit includes two vertical plates projecting downwardly from the rear portion of the cutter through the slot and two horizontal plates that project outwardly from the lower edge of the vertical plates. The length of the vertical plates is slightly longer than the thickness of the top wall of the positioning unit so that the front portion of the sliding body can turn somewhat upwardly to facilitate cutting of the protective film by the cutting edge of the blade. The positioning unit further includes an upright front stop plate which is mounted securely on the front end portions of the side and top walls of the positioning unit, and an upright rear stop plate which is mounted removably on the rear end portions of the side and top walls of the positioning unit so as to permit removal of the cutter from the positioning unit.

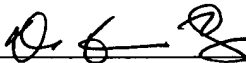
In contrast to the invention defined by the present claims, Chiu does not teach or suggest a pair of end caps releasably attached to either end of said elongated rail base for providing a bumper of said tracking device in said channel with said end caps, said end caps releasing upon application of excessive force. Rather, Chiu discloses that only one of the plates can be removed and does not teach or suggest removal of a pair of plates upon application of the excessive force.

Further, in contrast to the invention defined by the present claims as noted above, Chiu does not teach or suggest rails being formed of a material providing an attraction to plastic wrap received over the rails to cling the plastic wrap to the rails before and after cutting of the plastic wrap. Rather, Chiu uses the shape of the cutter to allow the sliding body to turn upward in order to prevent bunching of the film. Thus, Chiu does not cure the deficiencies of Lucas, Jr. et al. noted above. Accordingly, the invention defined by the present claims 16 and 17 is not obvious in view of Lucas, Jr. et al. in combination with Chiu.

In view of the foregoing, Applicants submit that all pending claims are in condition for allowance and request that all claims be allowed. The Examiner is invited to contact the undersigned should he believe that this would expedite prosecution of this application. It is believed that no fee is required. The Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 13-2165.

Respectfully submitted,

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